

12.265 WRECKER AND TOWING

References:

Procedure 12.200 - Snow Emergencies and Hazardous Road Conditions
 Procedure 12.270 - Impounding, Moving, and Release of Vehicles
 Procedure 12.275 - Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles
 Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses
 United States Supreme Court Decision: Colorado v. Bertine, 55 LW 4105.
 Standards Manual 61.2.2, 61.4.1, 61.4.2, 61.4.3, 1.2.4

Purpose:

To provide a procedure for towing vehicles.

To specify the type of wrecker used and towing destination for each situation requiring the use of a wrecker.

To ensure inventory searches of vehicles are conducted within the guidelines of all applicable laws so that citizens' 4th Amendment rights are protected.

To ensure the proper handling and protection of property found within towed vehicles.

Policy:

Cincinnati Police Department personnel will conduct a thorough inventory search of all vehicles taken into custody per Cincinnati Municipal Code (CMC) Section 513-1.

The towing officer will immediately notify Police Communications Section (PCS) whenever a vehicle is towed or moved. This includes but is not limited to the following: rotation tow, special event tow, contract wrecker tow, junk tow, peak travel hour tows etc. Notification can occur via radio (signal 38), phone or fax.

An exception to this procedure is snow emergencies. During a snow emergency, follow Procedure 12.200, Snow Emergencies and Hazardous Road Conditions. Notification is not necessary when private wreckers tow vehicles involved in a crash.

Procedure:

A. Use of Wreckers

1. A private contract wrecker is available through the Impound Unit, Monday-Friday, and personnel will use it to:
 - a. Move and spot vehicles at the Impound Unit
 - b. Tow vehicles from the Impound Unit to the Coroner's Office, court, etc.
 - c. Tow vehicles from district storage
2. Officers will use rotation wreckers for all other tows or moves. Officers may also use rotation wreckers for the following:
 - a. To remain with a police officer at major events such as parades, or for keeping traffic routes clear.
 - 1) Payment for rotation wreckers comes from the Police Department budget. Wreckers remaining with a police officer will receive payment for each vehicle towed or the pre-established hourly fee, whichever is greater.
 - b. To remain with a police officer to move several vehicles from a snow emergency route, or under other circumstances where they must move several vehicles.
 - c. To haul heavy objects, such as a safe.

3. Police personnel needing a wrecker for a City vehicle will contact their district/unit desk officer who will call Fleet Services at the Municipal Garage. Fleet Services will contact the Channel 8 operator who will dispatch a wrecker from the Department wrecker rotation list. A Form 369, Towing Report, is not needed.

B. Request for Wrecker Service

1. Field personnel will initiate requests for wrecker service by calling PCS by radio, telephone or MDT (to CH08).
 - a. When officers use the radio, they will give their car number and "Signal 38," indicating the need for the service of a wrecker.
2. The PCS dispatcher will request the officer's location and advise the officer to switch to Channel 8. To help the Channel 8 operator determine the type of wrecker and equipment to dispatch, the officer will give the following information:
 - a. Location, make, model and vehicle license number, or VIN if there is no license plate
 - b. Reason for request
 - c. Conditions that will affect wrecker type and equipment needed:
 - 1) Tires: up, flat, or missing
 - 2) Wheels: straight, turned in, etc.
 - 3) Is vehicle overturned, off roadway, over embankment, etc.
 - 4) Size and type of vehicle such as pick-up truck, semi, 2-ton, motorcycle, vehicle with fiberglass body, vehicle with accessories hanging below bumper, 4 wheel drive etc.

5) In parking garage with low ceiling

C. Impoundment of Semi-trailers

1. PCS will attempt to locate a qualified CDL driver to drive the semi-trailer to the impound lot. If a qualified CDL driver is not available, PCS will arrange for a heavy-duty wrecker to tow the semi-trailer to the impound lot.

D. Improper Use of Wreckers

1. Officers will issue a citation to operators of private wreckers in violation of the following Cincinnati Municipal Code Sections:

506-13 - Following an Emergency Vehicle

506-14 - Following an Emergency or Public Safety Vehicle

506-15 - Gathering at the Scene of Accident

- a. The citing officer will forward a legible copy of the Form 314, Notice to Appear and/or MUTT citation to the Impound Unit.
2. When officers find a rotation wrecker not in compliance with the City Manager's Wrecker and Towing Rules and Regulations, the officer will advise a supervisor. The supervisor will prepare a Form 17 giving full details. The supervisor will then forward the Form 17 through channels to the Police Chief. This includes:
 - a. Slow or no response
 - b. Improper or lack of equipment
 - c. Failure to display Police Rotation (PR) sticker when towing off the police rotation list.
 - d. Any other noncompliance with the rules and regulations. The rules and regulations are on file at the Impound Unit.

- 1) Failure to comply with these rules and regulations can result in suspension or removal from the rotation-towing list.

E. Reporting Towed or Moved Vehicles

1. In all cases where officers use a commercial wrecker for impoundment or move only purposes, the officer will remain with the vehicle and will furnish the wrecker driver with a written order to tow. The towing officer will immediately notify PCS for every towed or moved vehicle. The notification can occur via radio (signal 38), phone or fax.
 - a. The wrecker operator will be given the yellow copy of the Form 369 for auto theft recoveries. The white and yellow copy of Form 369 will be given to the wrecker operator for all other types of towed vehicles. Officers will route copies as per Procedure 12.270.
 - b. Officers will report a move only on a Form 369, as required per Procedure 12.270.
 - 1) If a wrecker moves a vehicle to a location other than the Impound Unit, such as a district or the Coroner's Office, and subsequently the vehicle is moved to the Impound Unit, a Form 369 must accompany the vehicle.
 - c. Officers will report vehicles towed for violation of signs erected to expedite traffic during morning and evening peak travel hours on a Form 369.
2. Officers will record vehicles involved in crashes and towed by private wreckers on a Form OH-1, State of Ohio Traffic Crash Report. It is not necessary to complete a Form 369 or to notify PCS of the tow.
3. All reports regarding the removal of vehicles (moved or impounded) will include, in addition to the requested information, on the form:

- a. A specific list of the damages on the vehicle in the space provided on the Form 369.
- b. Additional information in the "Narrative" block of a Form 301, Incident Report, for auto theft recoveries. Entries such as "poor," "fair," etc., are not acceptable.
- c. Property remaining in the vehicle and its location.
- d. The exact reason for towing or impounding the vehicle. If applicable, state the type of offense, offense numbers, etc.

F. Property Contained in Vehicles Towed or Moved

- 1. The officer ordering the tow will complete the inventory search. The inventory search will include the opening of closed containers and the listing of their contents.
 - a. The purpose of the inventory search is not to locate evidence of criminal activity, but to protect the owner's property, protect the Police Department from subsequent claims of loss or stolen property, and to protect Police Department personnel from dangerous items. If there is any doubt, obtain a search warrant or contact the Prosecutor's Office for advice.
- 2. Most property in vehicles removed to private storage areas will be left in the vehicle and under the custodial care of the rotation wrecker operator. An exception to this is visible contraband, evidence, and valuable property.
 - a. Officers will remove from the vehicle all contraband, confiscated property, valuable property, and property held for court. Process all items at the district.
 - b. For purposes of this procedure, valuable property is any one item or group of items having a value of \$500.00 or more.

- c. Items that are in a secured non-visible area of the vehicle, such as the trunk or a lockable storage bin, may remain in this secured area if they do not exceed \$500.00 in total value.
 - 1) If not in a secured area, property up to \$500.00 may be secured in a lockable trunk, if accessible.
 - d. The spare tire, vehicle jack, and lug wrench are considered part of the vehicle and will remain in the vehicle, in the trunk or out of sight if possible. List these on an Incident Report and/or Form 369.
 - e. The occasional flashlight, screwdriver, jumper cables, quart(s) of oil, or dirty clothes may remain in the vehicle.
- 3. The towing officer will call to the attention of the wrecker operator all visible property left in the vehicle being towed.
 - 4. Officers will identify and tag all property removed from vehicles and not held for court or confiscated as "Found Property."
 - a. The Form 330, Property Receipt, should list descriptive data of the vehicle from which the property came.
 - 5. When a vehicle is towed to the district, the towing officer may leave the property in the vehicle until the vehicle has arrived at the district. The officer will then process the property through the district property room or locker.
 - 6. Property will remain in the vehicle towed to the Impound Unit for violation of peak hour restrictions.
 - a. Officers will record on the Form 369 a description of the property remaining in the vehicle and inform the wrecker operator of any such property.

- b. Receiving officers at the Impound Unit will be responsible for approved property left in the vehicle in conformance with this procedure and will process such property in accordance with the Impound Unit Standard Operating Procedure (SOP).
- 7. When Impound Unit personnel find property that should have been processed by the towing officer, they will contact the officer to respond to the Impound Unit to process the property.
 - a. If the towing officer is unavailable to respond, the officer's unit supervisor will be contacted.
 - 1) The towing officer's unit supervisor will have someone respond to process the property.